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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,874	10/22/2001	Neil Hepworth	4366-43	4659
48500	7590	04/10/2006	EXAMINER	
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			TRUONG, LAN DAI T	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 04/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/028,874	HEPWORTH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	lan dai thi trung	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is response to communications: application, filed 10/22/2001; amendment filed 12/23/2005. Claims 1-56 are pending. Claims 1-30 are canceled; claims 31-36 are added

2. The applicant's argument file on 11/14/2005 have fully considered but they are moot in view with new ground for rejection

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31, 40 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter such as "...wherein the first and second sets of packets have differing memberships..." which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter such as "...members..." which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

### Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**1) Claims 31- 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Pruthi et al. (U.S. 2002/0105911), “Pruthi”, herein after.**

**Regarding to claims 31, 32, 33, 35 and 38-39:**

Pruthi discloses a system, which can be implemented in a computer hardware or software code for identifying a corresponding session for a packet, comprising:

(a) in a first session, a first endpoint transmitting first and second sets of packets, respectively, to a session monitor and a second endpoint, wherein the first and second sets of packets have differing memberships, wherein each packet in the first set of packet is used for determining network performance information, and wherein each of the first and second endpoints have an associated electronic address on a network and a session identifier: (Pruthi discloses “network monitor” which is equivalent to “session monitor”; “indexed record” which is equivalent to “session identifier”: abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0037])

(b) the session monitor receiving at least a first packet in the first packet set, the first packet comprising at least the network address and session identifier associated with the first endpoint: (Pruthi discloses network monitor receives a set or packets and records the performance information of session. Each record may include source address and “destination address” which is equivalent to “first endpoint”: [0036]-[0037]; [0041, lines 5-9])

(c) determining whether at least one of the first endpoint's network address and session identifier correspond to an active session entry recorded in a first set of data structures, the first set of data structures comprising active session entries, each entry in the first set of data structures having at least network addresses for each of the endpoints to the corresponding session: (Pruthi discloses the record includes "index" which is equivalent to "session identifier", "source address and destination address" which is equivalent to "network addresses" abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0041])

(d) when at least one of the first endpoint's network address and session identifier correspond to an active session entry in the first set of data structures, updating the corresponding entry to include the network performance information associated with the at least a first packet: (Pruthi discloses the network monitor for "updating real-time information" which is equivalent to "updating information". Pruthi discloses the time when the network monitor received each packet is used as an index for each record which includes "the data" which is equivalent to "network performance information:" [0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])

(f) when at least one of the first endpoint's network address and session identifier correspond to an active session entry in the second set of data structures, updating the entry to include the performance information associated with the at least a first packet: (Pruthi discloses the network monitor for "updating real-time information" which is equivalent to "updating information:" [0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])

(e) determining whether at least one of the first endpoint's network address and session identifier correspond to an active session entry recorded in a second set of data structures, the

second set of data structures having active session entries, each of the entries in the second set of data structures failing to comprise network addresses for each of endpoints to the corresponding session: (Pruthi discloses method for indexing a new record and a previous record: [0046]-[0049])

**Regarding to claim 34:**

Pruthi discloses a method as discuss in claim 31 which includes;

(g) determining whether a pair of session entries in the second set of data structures pertain to a common session:( Pruthi discloses method of merging packets into one: [0046])

(h) when the second set of data structures includes a pair of session entries pertaining to a common session, removing the pair of entries from the second set of data structures and adding the pair of session entries to a common session entry in the first set: (Pruthi: [0046])

**Regarding to claim 36-37 and 45-46:**

The method of claims 31 and 40, wherein the packets in the first set of packets are defined by the Real Time Transfer Control Protocol, wherein the packets in the second set of packets are defined by one of the Real Time Transfer Control Protocol and Real Time Protocol, wherein the performance information comprise statistics respecting at least one of jitter, packet loss, and round-trip time, see (Pruthi: [0033]) wherein step (b) comprises the substeps:

(b1) parsing the at least a first packet to locate selected fields comprising the transport address of the sending endpoint, the session identifier of the sending endpoint, the transport address of the destination endpoint, and the session identifier of the destination endpoint, wherein the first endpoint is the source endpoint and the second endpoint is the destination: (Pruthi: [0056])

(b2) when the at least a first packet comprises the network address of the second endpoint, updating a set of data structures to include the second endpoints' network address:  
([0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])

(b3) when the at least a first packet does not comprise the network address of the second endpoint, updating a corresponding entry in one of the first and second sets of data structures:  
([0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])

**Regarding to claims 40, 41-44, 40:**

Pruthi discloses a system, which can be implemented in a computer hardware or software code for identifying a corresponding session for a packet, comprising:

(i) a session monitor operable to track network performance for a plurality of sessions:  
(Pruthi: abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0047])

(ii) first endpoint and second endpoints, the first endpoint being operable to transmit first and second sets of packets, respectively, to the session monitor and the second endpoint, wherein the first and second sets of packets have differing membership, wherein each packet in the first packets is used by the session monitor to determine network performance information, and wherein each of the first and second endpoints have an associated electronic address on a network and a session identifier, the session monitor comprising: (Pruthi discloses "network monitor" which is equivalent to "session monitor"; "indexed record" which is equivalent to "session identifier": abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0037])

(a) an input operable to receive at least a first packet in the first packet set, the first packet comprising at least the network address and session identifier associated with the first endpoint:  
(Pruth discloses the network monitor used to filter, index and record network performance

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information for network sessions based on receiving time stamp, type of packet or user ids....with associated session: [0034]-[0050])

(b) a matcher operable to:

(b1) determine whether at least one of the first endpoint's network address and session identifier correspond to an session entry recorded in a first set of data structures, the first set of data structures comprising active session entries, each entry in the first set of data structures having at least network addresses for each of the endpoints to the corresponding session: (Pruthi discloses the record includes "index" which is equivalent to "session identifier", "source address and destination address" which is equivalent to "network addresses" abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0041])

(b2) when at least one of the first endpoint's network address and session identifier correspond to and active session entry in the first set of data structures, update the corresponding entry to include the performance information associated with the at least a first packet: (Pruthi discloses the network monitor for "updating real-time information" which is equivalent to "updating information:" [0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])

(b4) when at least one of the first endpoint's network address and session identifier correspond to an active session entry in the second set of data structures, update the entry to include the performance information associated with the at least a first packet: (Pruthi discloses the network monitor for "updating real-time information" which is equivalent to "updating information:" [0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])



(b3) determine whether at least one of the first endpoint's network address and session identifier correspond to an active session entry recorded in a second set of data structures, the second set of data structures having active session entries, each of the entries in the second set of data structures failing to comprise network addresses for each of the endpoints to the corresponding session: (Pruthi discloses method for indexing a new record and a previous record: [0046]-[0049])

**Regarding to claims 48-49 and 51-52:**

Pruthi discloses a system, which can be implemented in a computer hardware or software code for identifying a corresponding session for a packet, comprising:

(i) a session monitor operable to track network performance for a plurality of sessions: (Pruthi: abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0047])

(ii) first endpoint and second endpoints, the first endpoint being operable to transmit first and second sets of packets, respectively, to the session monitor and the second endpoint, wherein the first and second sets of packets have differing membership, wherein each packet in the first packets is used by the session monitor to determine network performance information, and wherein each of the first and second endpoints have an associated electronic address on a network and a session identifier, the method comprising: (Pruthi discloses "network monitor" which is equivalent to "session monitor"; "indexed record" which is equivalent to "session identifier": abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0037])

(a) the first endpoint receiving at least a first packet communication between the first endpoint and second endpoint to a first session, the first packet comprising an address of the first endpoint on the network, and address of the second endpoint on the network, and voice

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information, and being a member of the second packet set: :” ([0054]; [0056]; [0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])

(b) the first endpoint transmitting at least a second packet to a session monitor, the at least a second packet including the respective first and second network addresses of the first and second endpoints and being a member of the first packet set: ([0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])

**Regarding to claims 50 and 53:**

Pruthi discloses a method as discuss in claim 48, which further includes:

( c ) the session monitor receiving at least a second packet in the first packet set, the second packet comprising at least the network address and session identifier associated with the first endpoint: (Pruthi discloses network monitor receives a set or packets and records the perform information. Each record may include source address and “destination address” which is equivalent to “first endpoint”: [0036]-[0037]; [0041, lines 5-9)

( d ) determining whether at least one of the first endpoint’s network address and session identifier correspond to and active session entry recorded in a first set of data structures, the first set of data structures comprising active session entries, each entry in the first set of data structures having at least network addresses for each of the endpoints to the corresponding session: (Pruthi discloses “network monitor” which is equivalent to “session monitor”; “indexed record” which is equivalent to “session identifier”: abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0037]; [0048])

( e ) when at least one of the first endpoint’s network address and session identifier correspond to an active session entry recorded in a second set of data structures, the second set of

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data structures having active session entries, each of the entries in the second set of data structures failing to comprise network addresses for each of endpoints to the corresponding session: (Pruthi discloses “network monitor” which is equivalent to “session monitor”; “indexed record” which is equivalent to “session identifier”: abstract, lines 1-5; [0008], lines 1-4; [0031]; [0036]-[0037])

(g) when at least one of the first endpoint’s network address and session identifier correspond to an active session entry in the second set of data structures, updating the entry to include the performance information associated with the at least a second packet: (Pruthi discloses the network monitor for “updating real-time information” which is equivalent to “updating information:” [0036]-[0038]; [0039], lines 4-10; [0041]; [0044], lines 17-19; [0046]-[0047])

**Regarding to claim 54:**

Pruthi discloses a system, which can be implemented in a computer hardware or software code for identifying a corresponding session for transmission on a network, comprising:

A source network address of a first participant to a Voice over Internet Protocol (VoIP) session: ([0054]; [0056]; [0036]-[0047])

A destination network address associated with a session monitor: ([0054]; [0056]; [0036]-[0047])

A network address of a second participant to the VoIP session: ([0054]; [0056]; [0036]-[0047])

Session information associated with the VoIP session: ([0054]; [0056]; [0036]-[0047])

**Regarding to claim 56:**

Pruthi discloses a method as discuss in claim 54 which includes wherein the contents of the session packet are defined by the Real Time Control Protocol, see ([0054]; [0056])

**Regarding to claim 55:**

Pruthi discloses the invention substantially as disclosed in claim 54, but does not explicitly teach:

A first session identifier associated with the first participant, see (Pruthi discloses indexing a record based on type or property such as “end-user ID” which is equivalent to “first participant”: [0048])

A second session identifier associated with the second participant, see (“end-user ID” which is equivalent to “second participant”: [0048])

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Conclusions**

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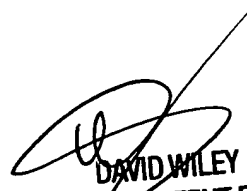
Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong  
Examiner  
Art Unit 2143

Ldt  
03/31/2006

  
DAVID WILEY  
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